

rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 31, LUMBEE RECOGNITION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 1385, THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 490 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 490

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be

considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule today is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 490.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 490 provides for consideration of H.R. 31, the Lumbee Recognition Act, under a closed rule, and also for separate consideration of H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, under a structured rule. Both bills are debatable for 1 hour, each equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources. The rule for H.R. 1385 makes in order two amendments listed in the Rules Committee report. Each amendment is debatable for 10 minutes. The rule also provides for a motion to recommit with or without instructions on both bills.

Mr. Speaker, the two bills before us today will right several wrongs in our country's history and bring closure to the issue of full Federal recognition of the Lumbee Indians of North Carolina and six Indian tribes in Virginia.

Since the late 1800s, the Lumbee Tribe has been seeking Federal recognition despite the fact that congressional hearings and the Department of the Interior's studies have consistently concluded that the Lumbees are a distinct, self-governing Indian community. In fact, the Lumbees were first recognized as a tribe in 1885 by their home State of North Carolina. In that time, however, various bills to recog-

nize the tribe failed due to opposition from the Department of the Interior.

Most importantly, in 1956, Congress formally acknowledged the Lumbee Tribe with passage of the Lumbee Act. However, it was passed during a period of Federal Indian policy known as the Termination Era. As such, while Congress acknowledged the Lumbee, it effectively ended its relationship with the tribe at the same time by denying them access to the benefits and privileges that accompany Federal recognition.

This termination has subsequently prevented the Lumbees from receiving recognition from the Department of the Interior which has maintained that only Congress can restore that relationship.

A similar injustice has occurred in Virginia. Records exist documenting a relationship between the six Indian tribes, local governments, and the Commonwealth of Virginia for centuries. It has long been established that ancestors of these six tribes resided in Virginia when the first white settlers landed in Jamestown, yet their history is fraught with deliberate discrimination and document destruction.

During the Civil War, most local records and tribal documentation were destroyed in fires at government buildings. At that time, many Indians began adopting Anglo-American names, language, and customs to conceal their tribal identity and ensure their survival.

In addition, Virginia's 1924 Racial Integrity Act—pushed by a noted white supremacist—was responsible for the deliberate and systematic destruction of over 46 years of any records that traced and recorded the existence of vast Indian tribes.

The Department of the Interior has generally not questioned the tribes' ancestry or tribal government status. But despite the wealth of documentation that exists for each tribe, it is not clear whether they could obtain proper documentation to be acknowledged by the Bureau of Indian Affairs. I would add that each of these six tribes was recognized by the Commonwealth of Virginia between 1983 and 1989.

Mr. Speaker, the circumstances surrounding all of these tribes are certainly unique and warrant special attention by Congress. Congress has passed bills recognizing all of these tribes several times, including last session. The Lumbee bill passed with strong bipartisan support while the Virginia Tribes bill passed by voice vote.

I ask my colleagues on both sides of the aisle to once again support these long-overdue bills.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. First, let me say how great it is to see you in the Chair, Mr.

Speaker. I would like to express my appreciation to my good friend from California, my colleague, Mr. CARDOZA, for yielding me the customary 30 minutes.

Mr. Speaker, this rule actually provides for the consideration of two problematic bills—H.R. 1385, which would extend recognition to six Indian tribes in the Commonwealth of Virginia; and H.R. 31, which would extend recognition to the Lumbee Tribe in the State of North Carolina. Both adopt an arbitrary and inconsistent recognition process that threatens those tribes who are already Federally recognized and upends the process for future applicants. And this rule provides for an even more problematic process.

The issue of tribe recognition—like all matters before Congress—demands clarity, fairness and transparency. The two underlying bills, unfortunately, deliver just the opposite. H.R. 1385 would extend recognition to six Virginia tribes rather than requiring that they go through the normal Federal recognition process at the Bureau of Indian Affairs.

These tribes have sought legislative action because they lack the proper documentation to complete the regular administrative process. This is due to the fact—and it was correctly pointed out by my California colleague—that they've been victims of targeted attacks in the past which resulted in the destruction of many of the very important historical documents that would have been necessary. This is a reminder, Mr. Speaker, of a very, very ugly chapter in our Nation's history, and Congress should work very carefully to address this issue.

While the situation of the Virginia tribes is difficult—and I recognize that—for the reasons I just stated, we need to consider the overall fairness of our actions. For instance, there are currently nine other tribes, nine other tribes that have fully completed their application processes and are awaiting final determinations. They have done their due diligence and deserve to have their cases addressed in the proper order. While the six tribes covered in H.R. 1385 may deserve special dispensation from the normal BIA process, questions have been raised regarding the fairness of penalizing the nine other tribes who fully completed the process and are patiently waiting in line for the determination.

The process serves a purpose: ensuring that tribal determination is fair, consistent and fully vetted. We need to think very, very carefully, Mr. Speaker, before upending that regime.

H.R. 31 is even more controversial, not least because the price tag comes to \$786 million—or, Mr. Speaker, I should say “at least” \$786 million. We know that an enactment of this bill would cost, again, at least three-quarters of a billion dollars. And I say “billion” because I know the word “trillion” is used more frequently around here tragically these days. But it would be very, very, very costly. It

could balloon to an even larger level of funding.

At issue is conflicting membership estimates of the Lumbee Tribe. The Interior Department estimates it at 40,000; the tribe itself estimates it at about 55,000, a difference of nearly 40 percent. But what's more, local North Carolina media have reported that some in the tribe intend to expand its membership once this bill is enacted. They're waiting for Federal recognition and then want to increase their numbers, expanding the cost of this bill even further and pulling resources away from the long-recognized tribes.

Now, Mr. Speaker, the Lumbee Tribe, just like any other Indian tribe, should obtain Federal recognition on its merits. It may indeed deserve recognition. However, the merits are still far from clear. The last several administrations have opposed their application. The Obama administration has reversed course, but it has not offered any explanation as to why. In fact, the administration does not yet have its appointees in place at the Interior Department to even articulate their reasoning.

Mr. Speaker, Congress must fully vet all of these issues and act in a clear, comprehensive way that eliminates the current confusion and restores clarity and certainty. And yet inexplicably, the rule which we're debating right now curtails the ability of Members, Republican and Democratic Members, to offer their amendments so that a comprehensive consensus solution could, in fact, be reached.

Rather than an open process which would have allowed the House to address many of these issues, the rule for the Lumbee Tribe bill is a closed rule, despite submission of the very thoughtful amendment by Mr. SHULER. It is, in fact, a bipartisan amendment. He should be allowed to bring his alternative before the House for an up-or-down vote. It's very sad that I have to stand here as a minority Member fighting for the rights of a majority Member of this institution.

Similarly, Madam Speaker, the ranking member of the Agriculture Committee, our friend from Roanoke, Virginia, (Mr. GOODLATTE) asked for an open amendment process on the Virginia bill. While two of his amendments were made in order, an open process would have allowed him to offer all of his amendments and permitted all Members to participate.

Madam Speaker, these bills have problems but this rule has a bigger problem. As happens all too often in this Democratic majority, this debate will be closed rather than open, and Members will be shut out of the process.

So I urge my colleagues to oppose the rule. We can address these very, very important issues in a more fair and balanced way.

□ 1245

With that, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I'd like to inquire from my friend and colleague from California if he has any further speakers.

Mr. DREIER. Would the gentleman yield?

Mr. CARDOZA. I would yield.

Mr. DREIER. I thank my friend for yielding, and, Madam Speaker, I will inform my friend that there are no other requests for time on our side of the aisle. At this juncture, I will encourage my colleagues to oppose this rule, and I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, I very much appreciate my colleague from California, and I understand that he has concerns about this process and these measures.

I would just like to remind the entire body that the Lumbee bill has, in fact, been before the Congress before. This Congress has acted on it. Despite the claims to the contrary, Congress has traditionally taken the lead in recognizing Indian tribes. In fact, Congress has recognized 530 of the 561 Federally recognized tribes.

Despite the fact that the Department of the Interior established certain administrative procedures in 1978, Congress has stepped in and recognized tribes nine additional times due to extraordinary circumstances, much like this.

I think that this is an appropriate rule, and I think we will have an opportunity to debate the issues during the debate time that has been allotted.

I would ask my colleagues to support the rule, and I urge Members on both sides of the aisle to once again take an important step forward in correcting hundreds of years of injustice which are long overdue.

Madam Speaker, I urge a “yes” vote on the rule and on the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 174, not voting 28, as follows:

[Roll No. 295]

YEAS—231

Abercrombie	Berry	Butterfield
Ackerman	Bishop (GA)	Capps
Aderholt	Bishop (NY)	Capuano
Adler (NJ)	Blumenauer	Cardoza
Andrews	Bocchieri	Carnahan
Arcuri	Boren	Carney
Baca	Boswell	Carson (IN)
Baird	Boucher	Castor (FL)
Baldwin	Boyd	Chandler
Barrow	Brady (PA)	Childers
Berkley	Braley (IA)	Clarke
Berman	Bright	Clay

Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Himes
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen

NAYS—174

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Billbray
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lujan
Lynch
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeke (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter

Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

LaTourette
Latta
Lee (NY)
Lewis (CA)
Lindero
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick

Bean
Becerra
Bishop (UT)
Blunt
Broun (GA)
Brown, Corrine
Davis (IL)
Davis (TN)
Dingell
Engel

Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions

NOT VOTING—28

Grayson
Gutierrez
Johnson, Sam
Kennedy
Lowey
McMorris
Rodgers
Melancon
Pence
Pingree (ME)

□ 1309

Mr. YOUNG of Alaska changed his vote from “yea” to “nay.”

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote No. 295 on June 2, 2009. Had I been present, I would have voted “yea.”

Mr. PENCE. Madam Speaker, I was unavoidably detained and missed rollcall vote No. 295 on passage of H. Res. 490. Had I been present, I would have voted “nay.”

Mrs. McMORRIS RODGERS.
Madam Speaker, on rollcall No. 295 I was unavoidably detained. Had I been present, I would have voted “nay.”

Mr. WESTMORELAND. Madam Speaker, on rollcall No. 295 I was unavoidably detained. Had I been present, I would have voted “nay.”

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1385.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 490 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1385.

□ 1311

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1385) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.
The CHAIR. Pursuant to rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, we are here today, over 400 years after the first English settlers landed in what became Jamestown, Virginia, to finally acknowledge a government-to-government relationship with some of the Indian tribes who met those early settlers.

While the House passed a prior version of this legislation last Congress, the bill was not considered in the Senate, so we are here again.

H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, extends Federal recognition to the Virginia tribes that have lived in Virginia since before the settlers of Jamestown first arrived.

This bill is sponsored by our colleague, Representative JIM MORAN of Virginia, and enjoys bipartisan support, including from other Virginia colleagues, Congressman ROB WITTMAN, BOBBY SCOTT, THOMAS PERRIELLO, and GERRY CONNOLLY. I, too, am a cosponsor of H.R. 1385.

The bill is named for Thomasina “Red Hawk Woman” Jordan, whose lifelong pursuit of advancing Native American rights encompassed the promise of education for all Indians and securing Federal recognition of Virginia Indian tribes. Ms. Jordan also served as chairperson of the Virginia Council of Indians.

H.R. 1385 would extend Federal recognition status to six Indian tribes of Virginia. All six tribes have obtained State recognition by the State of Virginia. Former Virginia Governors George Allen and Mark Warner, as well as current Governor Tim Kaine have endorsed the tribes’ recognition as sovereign governments.

During his recent trip to England, President Obama presented Queen Elizabeth with an iPod. Included on the iPod was a copy of the 400th anniversary ceremony commemorating the establishment of Jamestown, Virginia, that she attended last year. The highlight of this ceremony included the Queen and the Virginia Indian tribes.